

John Massouh, SBN 24026866
John.massouh@sprouselaw.com
Joshua D. Kundert, SBN 24143877
Josh.kundert@sprouselaw.com
SPROUSE SHRADER SMITH PLLC
701 S. Taylor, Suite 500
P.O. Box 15008
Amarillo, Texas 79105-5008
(806) 468-3300; (806) 373-3454 FAX

ATTORNEYS FOR DENNIS BUSS, et al.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

| | |
|--|--|
| IN RE: McCLAIN FEED YARD, INC., McCLAIN F FARMS, INC., AND 7M CATTLE FEEDERS, INC., Debtors. | Case No. 23-20084-rlj Chapter No. 7 Jointly Administered |
| RABO AGRIFINANCE, LLC Plaintiff v. ACEY LIVESTOCK, LLC, et al Defendants | ADV. PROC. NO. 23-02005-RLJ |

**LIMITED OBJECTION TO MOTION FOR PARTIAL SUMMARY JUDGMENT BY
DEFENDANTS, ACEY LIVESTOCK, LLC; BARRETT'S LIVESTOCK, INC.; AND DON
RALPH BARRETT, ON FIRST PHASE ISSUES**

Come now *DENNIS BUSS, BUSS FAMILY TRUST, EDDIE BRYANT, ROBERT E. GRAY, RONNIE GRAY, GRAY BROTHERS, CRAIG SUTTON, AMY SUTTON, STEVE RYAN, JANICE LAWHON, AJ JACQUES LIVING TRUST, GUNGOLL CATTLE, LLC, LEAH GUNGOLL, MORRISON CAFÉ, LLC, GARY LESH, JAN LESH, LESH FAMILY TRUST, JARED LESH,*

JORDAN LESH, LLC, JOEL BROOKSHIRE, GENE BROOKSHIRE FAMILY, LP, DOUGLAS FINLEY, SCARLET AND BLACK CATTLE, LLC, BRYAN BLACKMAN, STEVE T SCOTT FARM, INC., SCOTT LIVESTOCK COMPANY, INC., ARNOLD BRAUN TRUST, ROBERT BRAUN, JIM RININGER, ROBERT SPRING, MICHAEL EVANS, MIRANDA EVANS, CHARLES LOCKWOOD, COLE LOCKWOOD, SHERLE LOCKWOOD, NIKKI LOCKWOOD, LYNDAL VAN BUSKIRK, JANET VAN BUSKIRK, COLBY VAN BUSKIRK, SUSAN VAN BUSKIRK, JIMMY GREER, DUSTIN JOHNSON AND DORA BLACKMAN (“Intervenors”) joined by AgTexas Farm Credit Services, AgTexas PCA, and Thorlakson Diamond T. Feeders, LP (“Plaintiffs”) and file this Limited Objection to the Motion for Partial Summary Judgment by Defendants, Acey Livestock, LLC; Michael Acey; Barrett’s Livestock, Inc.; and Don Ralph Barrett (“Acey Defendants”), on First Phase Issues [ECF 217] and would show as follows:

1. Intervenors and Plaintiffs believe they, like the Acey Defendants, hold perfected interests in the livestock sale proceeds made subject of the Acey Defendants’ Motion for Partial Summary Judgment.
2. Because multiple parties hold interests in the subject livestock sale proceeds, Intervenors and Plaintiffs respectfully request the Court, should it be inclined to grant the Acey Defendants’ motion, withhold disbursal of the subject livestock sale proceeds until such time as all additional interests can be ascertained and adjudicated.
3. If ultimately, the Acey Defendants are entitled to a portion of the livestock sale proceeds, they would share only *pro rata* alongside Intervenors and Plaintiffs. *In re Gotham Provision Co.*, 669 F.2d 1000, 1010 (5th Cir. 1982) (holding that sale proceeds are held in a pool in trust for benefit of all with a perfected interest). Until the proper *pro rata* amounts can be determined with specificity, the Court should not allow distribution of the funds.

Respectfully submitted,

John Massouh, SBN 24026866
John.massouh@sprouselaw.com
Joshua D. Kundert, SBN 24143877
Josh.kundert@sprouselaw.com
SPROUSE SHRADER SMITH PLLC
701 S. Taylor, Suite 500
P.O. Box 15008
Amarillo, Texas 79105-5008
(806) 468-3300; (806) 373-3454 FAX

/s/ John Massouh
John Massouh

-And-

LEAL LAW FIRM, LLC
Abel A. Leal, SBN 24026989
abel@leal.law
14180 N. Dallas Parkway, Suite 300
Dallas, Texas 75254
(214) 395-5325

By: /s/ Abel A. Leal
Abel A. Leal

ATTORNEYS FOR DENNIS BUSS, et al

NAMAN HOWELL SMITH & LEE, PLLC
David L. LeBas, SBN 12098600
dlebas@namanhowell.com
Michael S. Duncan, SBN 24097628
mduncan@namanhowell.com
8310 N. Capital of Texas Hwy., Suite 490
Austin, Texas 78731
(512) 479-0300
(512) 474-1901 (Fax)

BY: /s/ David L. LeBas
David L. LeBas

ATTORNEYS FOR THORLAKSON DIAMOND
T FEEDERS, LP, AGTEXAS FARM CREDIT
SERVICES AND AGTEXAS PCA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via electronic and/or U.S. Mail on January 8, 2025, upon all parties entitled to such notice as provided by the ECF filing system.

/s/ John Massouh
John Massouh

105859.01/2137954